

Sr. Pedro Nieves Miranda, Chair
Environmental Quality Board
Post Office Box 11488
San Juan, Puerto Rico 00910

Re: Required Revisions to Puerto Rico's Solid Waste Regulations

Dear Mr. Nieves:

I am writing to re-emphasize my concern that EQB move expeditiously to revise Puerto Rico's solid waste regulations to be consistent with federal landfill criteria (40 CFR Part 258).

The consistency of Puerto Rico's regulations with federal landfill criteria formed the basis for EPA's approval of Puerto Rico's municipal solid waste permit program in 1993. As we have stated in several meetings and correspondence, EQB modified the EPA-approved 1993 version of the regulations without consulting EPA. The modified regulations significantly weakened landfill controls and have rendered Puerto Rico's regulations no longer consistent with the federal requirements.

Several key changes that EQB made that are of central concern to EPA, including the following: removal of the requirement that a professional engineer certify satisfaction of closure and post-closure standards, an unacceptable revision of the lateral expansion definition, the weakening of the hydraulic conductivity standard for composite liners, the removal of educational and licensing requirements for personnel involved with hydrology and ground water monitoring, the revision of the definition of an "existing solid waste facility," and the elimination of financial assurance requirements for municipalities.

Please be advised that this matter is of urgent importance and failure to take corrective steps could result in withdrawal of Puerto Rico's solid waste approval status (under a procedure which would include a federal register notice and a public comment period).

Enclosed for your information are two prior EPA letters addressed to the Governor of Puerto Rico and your predecessor at EQB.

EPA staff is ready to work with EQB staff as expeditiously as possible to rectify this critical issue. Please have your representative contact Mr. Ron Borsellino at (212) 637- 3724 or Mr. Adolph Everett at (212) 637-4109.

Sincerely,

George Pavlou
Acting Regional Administrator

Enclosures